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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO.2793 of 1995

Suresh Ramchandra Jadhav	...	Petitioner
versus		
Smt.Shankri B. Ajimal & ors.	...	Respondents

...

Mr. Karandikar for the petitioner.

Mr.Harbhajan Singh respondent no.2 in person present.

CORAM : D.G. KARNIK, J.

DATED : 12th August 2010

P.C.

1. Learned counsel for the petitioner submits that in Chamber Summons No.646 of 1977 in Writ Petition No.813/77, the respondent no.1 herein has given an undertaking to this Court not to execute the decree for eviction in the event the petitioner tenant pays the arrears of rent. He therefore submits that the decree needs to be set aside. The meaning of an undertaking, if there by any, given by the respondent would be required to be understood by reading the undertaking as a whole. It may be an undertaking not to execute the decree perpetually or not to execute the decree till certain events. In the circumstances, it is necessary to look to the actual undertaking alleged to have been given by the respondent to the Court.

2. Petitioner is therefore directed to produce on record certified copy of the undertaking alleged to have been given by the respondent. Three weeks time be granted to the petitioner for producing the certified copy of the undertaking. List the matter on the weekly board of final hearing in the week commencing on 13 September 2010.

(D.G. KARNIK,J.)